United States Bankruptcy Court Southern District of Texas

ENTERED

August 12, 2025
Nathan Ochsner, Clerk

IN THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

IN RE:	§	
	§	CASE NO: 25-31187
CHARLES RAY MOSELY,	§	
	§	CHAPTER 13
Debtor.	§	
	§	
CHARLES RAY MOSELY,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	ADVERSARY NO. 25-3365
	§	
SELENE FINANCE LP,	§	
	§	
Defendant.	§	

ORDER
Resolving ECF No. 15

Pending before the Court is a single matter self-styled as "Plaintiff's Motion for Judicial Notice of Lack of Accounting in Support of Opposition to Motion to Dismiss" (the "Motion") filed by Charles Mosely ("Plaintiff") on August 8, 2025.

Plaintiff requests that this Court take judicial notice of certain facts in support of Plaintiff's opposition to Selene Finance LP's ("Defendant") "Amended Motion to Dismiss and Brief in Support" (the "Motion to Dismiss"). The Motion to Dismiss seeks relief pursuant to Federal Rule of Civil Procedure ("Rule") 12(b)(6).³ A motion pursuant to Rule 12(b)(6) is not evidentiary.⁴ Instead, in deciding a Rule 12(b)(6) motion, a court must determine whether a plaintiff's complaint sufficiently stated a claim upon which relief may be granted pursuant to Rule 8.⁵ As such, the instant Motion seeks relief inconsistent with Rule 12 and thus must be denied.⁶ The Motion to Dismiss will be considered in due course, based on the complaint. Accordingly, it is therefore:

ORDERED: that

¹ ECF No. 15.

² ECF No. 8.

³ *Id*

⁴ See generally, Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007).

⁵ Id

⁶ *Id*.

1. The "Plaintiff's Motion for Judicial Notice of Lack of Accounting in Support of Opposition to Motion to Dismiss" filed by Charles Mosely on August 8, 2025, is DENIED.

SIGNED August 12, 2025

Eduardo V. Rodrigaez Chief United States Bankruptcy Judge

⁷ ECF No. 15.